

FILED  
SEP 28 PM 4:01  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN V. RYAN (CASBN 118321)  
United States Attorney  
EUMI L. CHOI (WVSBN 0722)  
Chief, Criminal Division  
ROBERT DAVID REES (CASBN 229441)  
Assistant United States Attorney  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7210  
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3 05 70551
Plaintiff,	)	
v.	)	<del>PROPOSED</del> ORDER AND
ANTHONY TRAVIS,	)	STIPULATION FOR CONTINUANCE
Defendant.	)	FROM SEPTEMBER 29, 2005 TO
	)	OCTOBER 14, 2005 AND EXCLUDING
	)	TIME FROM THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
	)	3161(h)(8)(A)) AND WAIVING TIME
	)	LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of October 14, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 29, 2005 to October 14, 2005.

The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on his own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

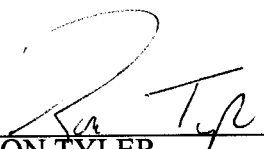
2 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from September 29, 2005  
9 to October 14, 2005, outweigh the best interest of the public and the defendant in a speedy trial.  
10 § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on October 14, 2005, at 9:30A.M., and (2) orders  
13 that the period from September 29, 2005 to October 14, 2005 be excluded from the time period  
14 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial  
15 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: \_\_\_\_\_

  
\_\_\_\_\_  
RON TYLER  
Attorney for Defendant

20  
21  
22 DATED: 9/27/05

  
\_\_\_\_\_  
ROBERT DAVID REES  
Assistant United States Attorney

23  
24  
25 IT IS SO ORDERED.

26  
27 DATED: 9/28/05

  
\_\_\_\_\_  
HON. JOSEPH SPERO  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

**[PROPOSED] ORDER AND STIPULATION FOR CONTINUANCE  
FROM SEPTEMBER 29, 2005 TO OCTOBER 14, 2005 AND  
EXCLUDING TIME FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. § 3161(H)(8)(A) AND WAIVING  
TIME LIMITS UNDER RULE 5.1**

in the case of **UNITED STATES V. ANTHONY TRAVIS, 03-05-70551** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**RON TYLER, AFPD  
UNITED STATES FEDERAL PUBLIC DEFENDER'S OFFICE  
450 GOLDEN GATE AVENUE, 19<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94102**

X (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.


\_\_\_\_\_ (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

\_\_\_\_\_ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

\_\_\_\_\_ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 28, 2005

  
TYLE DOERR  
United States Attorney's Office